

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:20-CV-257-BR

UNITED STATES OF AMERICA for
the use and benefit of SCHNEIDER
ELECTRIC BUILDING AMERICAS,
INC., SPC MECHANICAL
CORPORATION, and WATSON
ELECTRICAL CONSTRUCTION CO.,
LLC,

Plaintiffs,

v.

CBRE HEERY, INC. f/k/a HEERY
INTERNATIONAL, INC., TRAVELERS
CASUALTY AND SURETY COMPANY
OF AMERICA, LIBERTY MUTUAL
INSURANCE COMPANY, FIDELITY
AND DEPOSIT COMPANY OF
MARYLAND, and FEDERAL
INSURANCE COMPANY,

Defendants.

ORDER

A Rule 16 non-final pretrial conference was held by telephone on June 17, 2021, to address outstanding discovery issues in this case. Present at the pretrial conference were the following: Matthew K. Stiles of Kenneth Stiles Advisory, PLLC, on behalf of Plaintiffs; Heather F. Shore of Brown & Ruprecht, PC, and Mignon A. Lunsford of Burr & Forman, LLP, on behalf of Defendants CBRE Heery, Inc., Travelers Casualty and Surety Company of America, Liberty Mutual Insurance Company, Fidelity and Deposit Company of Maryland, and Federal Insurance

Company; and Ryan Lee Beaver of Bradley Arant Boult Cummings LLP on behalf of CBRE Heery, Inc., in connection with its crossclaim against Travelers Casualty and Surety Company of America.

At the pretrial conference, the parties resolved a number of discovery disputes, which were stated on the record and are summarized as follows:

1. On or before July 9, 2021, Plaintiffs shall respond to all outstanding discovery requests propounded by Defendants.

a. Separate responses shall be provided as to each set of discovery requests propounded (e.g., Schneider Electric Building Americas, Inc., shall respond separately from the other plaintiffs to any discovery propounded to it and shall respond separately to interrogatories and document production requests).

b. Documents shall be produced electronically on a hard drive or one or more thumb/flash drives, organized into folders and/or subfolders corresponding to the set of discovery (e.g., /Schneider; /Watson; /SPC) and the specific document request to which they are responsive (e.g., /Schneider/RFP 1; /Schneider/RFP 2; /Watson/RFP 1; /Watson/RFP 2).

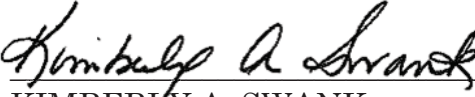
c. Affidavits will be provided in connection with each Plaintiffs' interrogatory responses, including any interrogatory responses not accompanied by affidavits that have previously been submitted by any Plaintiff.

2. The court will be conducting telephonic or in-person Rule 16 nonfinal pretrial conferences on a regular basis to address discovery and scheduling issues or other matters the court deems appropriate. The next such conference will be held by telephone on **July 22, 2021, at 1:00 p.m.**

3. In preparation for the next conference, counsel for the parties shall meet and confer, *in person or by telephone or video*, and file, on or before **July 16, 2021**, a joint report informing the court of (i) any outstanding discovery disputes, scheduling issues or other matters any of the parties desire to have addressed at the pretrial conference; (ii) the parties' respective positions with regard to any such matters; and (iii) the efforts made to resolve any disputes without court intervention.

The motion to compel discovery filed by CBRE Heery, Inc. [DE #94] and the motion to compel discovery filed by Fidelity and Deposit Company of Maryland [DE #113] are hereby DENIED WITHOUT PREJUDICE.

This 22nd day of June 2021.



KIMBERLY A. SWANK
United States Magistrate Judge